

## **ANIMAL LIABILITY**

By Basil Housewright, Jr.

If you own a pet you are typically held liable for it's actions. We too often read about the dog, which attacked a person causing serious bodily injury or death. This is unfortunate and the potential repercussions on the animal's owner can be costly. The question is asked when this happens does my homeowner's insurance cover this liability caused by my pet's actions?

Typically a homeowner's, condo-owners or tenant insurance policy usually provides liability coverage for the animal's owner. These types of policies provide personal liability coverage, which is very broad. The definition of "Insured" under the liability section usually also means: any person or organization legally responsible for animals to which this policy applies. The named insured or residents of your household who are relatives or other persons under the age of 21 and in the care of any named insured must own the animal. Furthermore any person or organization using or having custody of these animals without consent of the owner is not an insured under the policy. However because many individuals are maintaining pets of breeds, which have been known to be unfriendly, vicious and bite and attack others, many home insurance companies are starting to exclude or limit Animal Liability coverage from home insurance policies. They may then make this coverage available but charge an additional premium and may then only provide a reduced limit of liability coverage for Animal Liability. If a homeowner owns dogs which are Chow, Pit Bull, Rottweilers, Dobermans, German Shepard or Akitas or a mixed breed with one of these breeds included or a dog with a past history of attacks typically the home insurance company will not provide animal liability and may not even provide a home insurance policy for this homeowner. An Animal Liability Exclusion or Limitation Endorsement pertains to "all" animals not just dogs.

What this means is if you have a homeowners package policy, a renters package policy or a condo-owners package policy, which provides personal liability without animal liability excluded, there should be coverage available for the actions of your pet or the pet of a resident relative or pets of resident dependents under the age of 21. The personal liability should cover ensuing medical costs for the injured party including emergency room, ambulance charges and follow-up medical visits. If sued the policy's personal liability should also provide defense of the suit. If you want to hire your own attorney the policy may not be willing to cover this expense as the Insurance Company would typically provide the defense with their in-house or contracted legal council. If in this situation discuss your options with the company representative assigned to handle your claim and they can give you options available based on your particular situation. However if your home insurance policy has an Animal Liability Exclusion or Limitation Endorsement then the availability of coverage for liability caused by your pets (animals) may be limited or not exist.

If an animal bites a person and is reported to the law enforcement agency, usually the law enforcement agency will require the owner (at the owner's expense) to have the dog impounded for a period of the time to make sure the animal does not have conditions such as rabies. This cost for impoundment is typically not covered by the personal liability on your policy even if Animal Liability is not excluded or limited. Also if your pet is not current on vaccinations the facility which holds the animal for observation will typically require the animal be brought current with all vaccinations to allow them to be in their facility. The costs of these vaccinations are usually not covered under the personal liability on your policy even if Animal Liability is not excluded or limited. The message is make sure what your home insurance policy does or does not cover in this regard if you are a pet (animal) owner.

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